

III. JURISDICTION AND VENUE

4 The subject matter in controversy is within the jurisdictional limits of this court.

5 This court has jurisdiction over Defendant because said Defendant purposefully
availed itself of the privilege of conducting activities in the state of Texas and established
minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of
jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice
and is consistent with the constitutional requirements of due process.

6 Plaintiff would show that Defendant had continuous and systematic contacts with
the state of Texas sufficient to establish general jurisdiction over said Defendant.

7 Plaintiff would also show that the cause of action arose from or relates to the
contacts of Defendant to the state of Texas, thereby conferring specific jurisdiction with respect to
said Defendants.

8 Venue in Harris County is proper in this cause under Section 1952.110(2) of the
Texas Insurance Code because the accident occurred in said county.

IV. FACTS

9 On or about April 19, 2018, a motor vehicle accident involving Plaintiff and
BRYAN HARRIS occurred when BRYAN HARRIS's negligently collided his motor vehicle into
the motor vehicle being driven by Plaintiff, TRAVIS SAMMS.

10 As a direct and proximate cause of the accident, Plaintiff, TRAVIS SAMMS,
sustained bodily injuries and property damage.

V. CLAIM FOR UNDERINSURED/UNINSURED BENEFITS

11 On April 19, 2018, the date of the accident, TRAVIS SAMMS was covered by

insurance issued by Defendant, policy number 2912170B31-53A, issued for dates that include the date of said accident. This policy included coverage for underinsured/uninsured motorists. Plaintiff, TRAVIS SAMMS is a valid "covered person" under this policy as the insured.

12. Defendant was timely informed of the accident and that Plaintiff intended to make a claim under underinsured benefits in a letter dated April 20, 2018. Plaintiff took reasonable steps after the loss to restore himself back to health by obtaining and receiving medical attention and treatment.

13. Plaintiff sought recovery for bodily injuries sustained from BRYAN HARRIS. After using due diligence, Plaintiff discovered that BRYAN HARRIS was not covered under a valid insurance policy for the state of Texas at the time of the accident.

VI. DAMAGES FOR PLAINTIFF, TRAVIS SAMMS

14. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, TRAVIS SAMMS was caused to suffer bodily injuries

15. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, TRAVIS SAMMS has incurred the following damages for which Plaintiff seeks monetary relief of over \$1,000,000.00 but not more than \$10,000,000.00:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff, TRAVIS SAMMS for the necessary care and treatment of the injuries resulting from the accident and/or the aggravation of prior injuries and such charges are reasonable and were usual and customary charges for such services at the time and place that the services were provided;
- B. Reasonable and necessary medical care and expenses which will in all reasonable probability be incurred in the future;
- C. Physical pain and suffering in the past;
- D. Physical pain and suffering in the future;

- E. Loss of earnings in the past;
- F. Loss of earning capacity which will, in all probability, be incurred in the future;
- G. Mental anguish in the past;
- H. Mental anguish in the future;
- I. Physical impairment sustained in the past; and
- J. Physical impairment which will, in all probability, be sustained in the future.

VII. DEMAND FOR TRIAL BY JURY

- 16 Plaintiff demands a jury trial and tenders the appropriate fee with this Petition.

VIII. REQUEST FOR DISCLOSURE

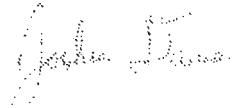
17. Under Texas Rules of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in rule 194.2.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, TRAVIS SAMMS, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest (from the date of injury through the date of judgment) at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which the Plaintiff may be entitled at law or in equity.

Respectfully submitted,

Bergquist Law Firm



By: _____

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